

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MASSACHUSETTS  
Boston Division

Civil Action No.: 04-12535-NMG

<b>ROBERT KILLAY</b>	)
Plaintiff,	)
vs.	)
<b>SPRINGFIELD TERMINAL</b>	)
<b>RAILWAY COMPANY and</b>	)
<b>BOSTON &amp; MAINE CORPORATION</b>	)
Defendants.	)

JOINT STATEMENT**I. STATEMENT OF THE CASE**

This case involves a Federal Employers' Liability Act claim brought by the plaintiff, Robert Killay, against his former employers, Springfield Terminal Railway Company and Boston & Maine Corporation.

The plaintiff alleges that he suffered injuries including bilateral carpal tunnel. Defendants deny plaintiff's allegations.

**II. JOINT DISCOVERY PLAN**

The attorneys for the parties have reached an agreement for a proposed Pretrial Schedule as follows:

1. All discovery shall be completed by October 6, 2005.
2. All experts for the plaintiff shall be designated no later than November 7, 2005 pursuant to 26(9)(2)(B).
3. All experts for the defendant shall be designated no later than December 31, 2005.
4. Rule 36 Requests to be completed by January 20, 2006.
5. All expert depositions shall be completed by March 2, 2006.

6. All Motions for Summary Judgment shall be filed by March 6, 2006.
7. All Oppositions to Motions for Summary Judgment shall be filed by April 7, 2006.
8. A Final Pretrial Conference shall be held on or before July 15, 2006 or other date to be set at the convenience of the Court.

### III. JOINT STATEMENT

Attorney for the defendants, John J. O'Brien, Jr., and attorney for the plaintiff, Thomas J. Joyce III, have conferred concerning the above-stated discovery schedule and expenses.

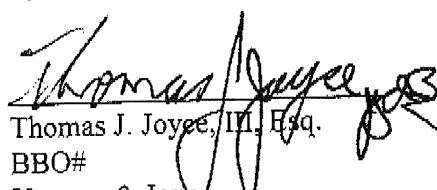
Counsel for the parties have discussed the informal exchange of discovery to reduce the parties' litigation costs and agree that the agenda at the scheduling conference should include a discussion of the liability and damage issues involved in this litigation.

The parties further respectfully suggest that it is premature for the Court to be involved in settlement discussions.

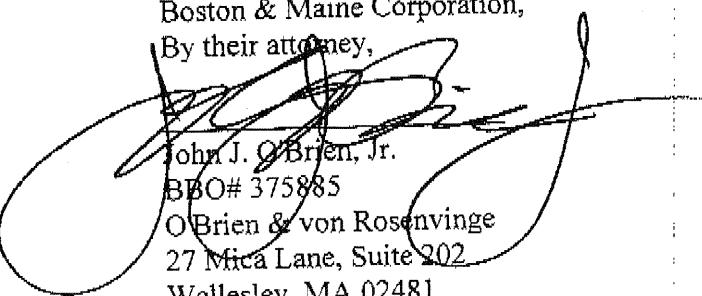
The parties cannot agree at this time to a trial by Magistrate Judge.

Respectfully submitted:

By the plaintiff,  
Duane S. Truehart,  
By his attorney,

  
Thomas J. Joyce, III, Esq.  
BBO# 375885  
Hannon & Joyce  
Public Ledger Building, Suite 1000  
150 South Independence Mall West  
Philadelphia, Pennsylvania 19106-3413  
(215) 446 4460

By the defendant,  
Springfield Terminal Railway Company and  
Boston & Maine Corporation,  
By their attorney,

  
John J. O'Brien, Jr.  
BBO# 375885  
O'Brien & von Rosenvinge  
27 Mica Lane, Suite 202  
Wellesley, MA 02481  
(781) 239-9988

DATED: May 4, 2005

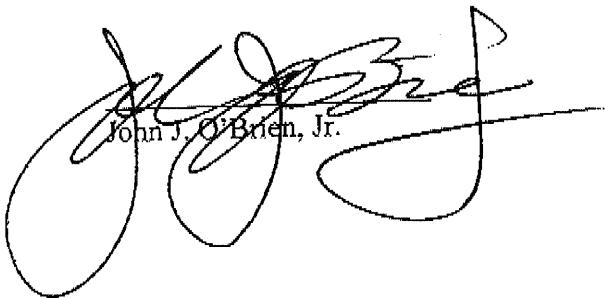
CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the defendants, Springfield Terminal Railway Company and Boston & Maine Corp., hereby certify that on this date I forwarded true copies of: **JOINT STATEMENT** by first class mail, postage pre-paid to the following counsel of record:

Thomas J. Joyce, III, Esq.  
Hannon & Joyce  
Public Ledger Building, Suite 1000  
150 South Independence Mall West  
Philadelphia, Pennsylvania 19106-3413

Michael J. McDevitt, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210

Dated: May 4, 2005



John J. O'Brien, Jr.